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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,343	11/30/2001	Chi-Sen Hsu	67,200-572	5522

7590 02/05/2004
TUNG & ASSOCIATES
838 W. Long Lake Road, Suite 120
Bloomfield Hills, MI 48302

EXAMINER

CABRERA, ZOILA E

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 02/05/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

DM.

Office Action Summary

Application No.

09/998,343

Applicant(s)

HSU ET AL.

Examiner

Zoila E. Cabrera

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Final Rejection

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Athavale et al. (US 6,539,386)** in view of **Chacon (US 6,128,588)**.

With respect to claims 1-2, 4-6, 7-8, 10-12, **Athavale** discloses a computer assisted system and method for managing a work in process workload comprising:

- means for storing identifying information for a work in process workload lot (Fig. 2, element 28; Col. 9, lines 36-40); means for accessing the identifying information for the work in process workload lot (Fig. 2, elements 22, 26, 28, 34); means for requesting and effecting a change in production of the work in process workload lot after accessing the identifying information for the work in process workload lot (Col. 9, lines 36-40 and lines 46-63; fig. 2, elements 22, 30-4, 44, 32-1, 34), wherein the means for requesting the change in production of the work in process workload lot provides for direct access by a customer (Fig. 2, element 22).
- the change in production of the work in process workload lot is requested directly by the customer without an intervening approval by a customer engineer (Fig. 2, elements 22, 30-4, 44, 46, 34);

- the computer assisted system is accessible by the customer through a distributed communications network (Fig. 2);
- the computer assisted system is accessible by the customer through an Internet distributed communications network (Fig. 1, element 24).

Athavale discloses most of the limitations of claims 1-2 and 7-8 above but fails to disclose a microelectronic fabrication and that the work is a chemical work. **Athavale** further fails to disclose the limitations of claims 3 and 9 that recite as follows:

Regarding claims 3 and 9,

- the system is employed within a microelectronic fabrication facility **selected from the group consisting of** *integrated circuit microelectronic fabrication facilities*, ceramic substrate microelectronic fabrication facilities, solar cell optoelectronic microelectronic fabrication facilities, sensor image array optoelectronic microelectronic fabrication facilities and display image array optoelectronic microelectronic fabrication facilities.

However, **Chacon** discloses an integrated characterization and scheduling system for fabrication production systems such as wafer fabrication (Col. 2, lines 18-20, please note that in a semiconductor fabrication process a chemical work takes place such as metal deposition or exposure of a wafer). Therefore, it would have been obvious to a person of the ordinary skill in the art at the time the invention was made to combine the teachings of **Athavale** with **Chacon** because it would provide an improved fabrication facility wherein customers have access to their orders and thereby change their orders

during the manufacturing process as taught by **Athavale** (Fig. 2, elements 22 and 56; Abstract, lines 8-14 and lines 20-22; Fig. 3, step 106).

Response to Arguments

3. Applicant's arguments filed November 28, 2003 have been fully considered but they are not persuasive. Applicant contends, "suggestion or motivation for modification or combination of Athavale with Chacon is certainly not taught or suggested within Athavale". Examiner disagrees because **Athavale** discloses customer access and change to their orders during manufacturing (Abstract, lines 8-14 and lines 20-22; Fig. 2, elements 22 and 56; Fig. 3, step 106).

Applicant further contends that Athavale's method and system are not implemented within a microelectronic fabrication. Examiner points out that while there is no disclosure of a *microelectronic* fabrication facility, **Athavale** suggests that his system and method may be used in any other type of manufacturing facility (Col. 10, lines 18-33). Furthermore **Chacon** does disclose a microelectronic fabrication (Col. 2, lines 18-20).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning communication or earlier communication from the examiner should be directed to Zoila Cabrera, whose telephone number is (703) 306-4768. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached on (703) 308-0538. Additionally, the fax phones for Art Unit 2125 are (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Zoila Cabrera
Patent Examiner
1/30/04



LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100